

Message Text

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ACTION IO-14

INFO OCT-01 EUR-12 ISO-00 EB-08 CIAE-00 COME-00
DODE-00 DOTE-00 FMC-01 INR-07 NSAE-00 CG-00
DLOS-09 OES-07 INT-05 ACDA-12 TRSE-00 PM-05 H-01
L-03 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06
/115 W

-----060323 191820Z /46

R 191626Z JAN 78
FM AMEMBASSY BONN
TO SECSTATE WASHDC 4961
USMISSION USUN NEW YORK
INFO AMEMBASSY BERLIN
AMEMBASSY LONDON
AMEMBASSY PARIS
AMEMBASSY MOSCOW
USMISSION USBERLIN
USMISSION GENEVA
USMISSION USNATO

C O N F I D E N T I A L SECTION 01 OF 02 BONN 01043

E.O. 11652: GDS
TAGS: PORG, PGOV, UN, BQG
SUBJECT: INLAND NAVIGATION CONVENTION: REPLY TO
SOVIET STATEMENT ON BERLIN WATERWAYS

REFS: (A) 77 USUN 1022 NOTAL
(B) 77 STATE 60592 NOTAL
(C) 77 BONN 4624 NOTAL

1. ON OCTOBER 18, 1977, THE USSR SENT A COMMUNICATION
TO THE SECRETARY GENERAL OF THE UN REGARDING THE
CONVENTION RELATING TO THE UNIFICATION OF CERTAIN RULES
CONCERNING COLLISION IN INLAND NAVIGATION. THIS WAS
IN RESPONSE TO THE ALLIED STATEMENT DISTRIBUTED ON
JULY 6, 1977, WHICH WAS MADE IN RESPONSE TO THE GDR
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STATEMENT ON THE SAME SUBJECT (REFS B AND C). THE
TEXT OF THE SOVIET STATEMENT, WHICH WAS CIRCULATED BY
UN LEGAL COUNSEL SUY ON NOVEMBER 7, 1977, (REF A)
IS AS FOLLOWS:

BEGIN TEXT

THE SOVIET SIDE CANNOT AGREE WITH THE CLAIM CONTAINED IN THE ABOVE-MENTIONED LETTER REGARDING THE STATUS OF WATERWAYS IN THE WESTERN SECTORS OF BERLIN, WHICH CREATES A FALSE PICTURE OF THEIR DE FACTO AND DE JURE SITUATION. IT IS WELL KNOWN THAT BERLIN WAS NEVER TERRITORIALY SEPARATE FROM THE FORMER SOVIET OCCUPATION ZONE OF GERMANY, AND THE WATERWAYS OF ITS WESTERN SECTORS WERE ALWAYS REGARDED AS AN INTEGRAL PART OF THE WATER SYSTEM OF THAT ZONE AND WERE UNDER THE JURISDICTION OF THE SOVIET AUTHORITIES. THIS SITUATION WAS REFLECTED AND CORROBORATED IN THE RELEVANT POST-WAR FOUR-POWER AGREEMENTS AND DECISIONS. THE CORRESPONDING RIGHTS AND POWERS WERE THEREAFTER TRANSFERRED BY THE SOVIET AUTHORITIES TO THE AUTHORITIES OF THE GERMAN DEMOCRATIC REPUBLIC.

THEREFORE, THE CLAIM CONTAINED IN THE THREE-POWER STATEMENT THAT AGENCIES OF THE GERMAN DEMOCRATIC REPUBLIC ARE COMPETENT ONLY TO "EXERCISE LIMITED OPERATIONAL FUNCTIONS IN RESPECT OF SOME OF THE WATERWAYS IN THE WESTERN SECTORS OF BERLIN", DOES NOT CORRESPOND TO THE REAL SITUATION. THE GERMAN DEMOCRATIC REPUBLIC IS COMPETENT TO EXPRESS ITS VIEW AS TO WHICH INTERNATIONAL AGREEMENTS REGULATING PROBLEMS OF INLAND NAVIGATION MAY APPLY TO THESE WATERWAYS.

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THE PERMANENT MISSION OF THE UNION OF SOVIET SOCIALIST REPUBLICS DECLARES THAT THE SOVIET SIDE, AS A PARTY TO THE WARTIME AND POST-WAR FOUR-POWER AGREEMENTS AND DECISIONS, AS WELL AS TO THE QUADRIPARTITE AGREEMENT OF 3 SEPTEMBER 1971, FULLY ENDORSES AND SUPPORTS THE DECLARATION OF THE GOVERNMENT OF THE GERMAN DEMOCRATIC REPUBLIC REGARDING THE INVALIDITY OF THE EXTENSION TO BERLIN (WEST) BY THE FEDERAL REPUBLIC OF GERMANY OF THE CONVENTION RELATING TO THE UNIFICATION OF CERTAIN RULES CONCERNING COLLISIONS IN INLAND NAVIGATION.

ACCEPT, SIR, THE ASSURANCES OF MY HIQHEST CONSIDERATION.

END TEXT

2. ON JANUARY 18, 1977, THE BONN GROUP AGREED AD REF TO THE FOLLOWING REPLY TO THE SOVIET PROTEST, TO BE DELIVERED BY THE US, UK AND FRENCH MISSIONS TO THE UN.

BEGIN TEXT

(1) (USUAL OPENING PARAGRAPH REFERRING TO THE UN LEGAL
COUNSEL'S LETTER OF 7 NOVEMBER 1977)

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DLOS-09 OES-07 ACDA-12 TRSE-00 INT-05 PM-05 H-01
L-03 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06
/115 W

-----060291 191819Z /46

R 191626Z JAN 78
FM AMEMBASSY BONN
TO SECSTATE WASHDC 4962
USMISSION USUN NEW YORK
INFO AMEMBASSY BERLIN
AMEMBASSY LONDON
AMEMBASSY PARIS
AMEMBASSY MOSCOW
USMISSION USBERLIN
USMISSION GENEVA
USMISSION USNATO

C O N F I D E N T I A L SECTION 02 OF 02 BONN 01043

(2) THE GOVERNMENTS OF FRANCE, THE UNITED KINGDOM AND
THE UNITED STATES DO NOT ACCEPT THE ASSERTIONS CON-
TAINED IN THE COMMUNICATION OF THE USSR DATED 18
OCTOBER 1977 CONCERNING THE STATUS OF WATERWAYS IN THE
WESTERN SECTORS OF BERLIN. THEY REAFFIRM THE VIEWS
EXPRESSED IN THEIR COMMUNICATION OF 13 JUNE 1977
CONCERNING THE STATUS OF THOSE WATERWAYS AND CONCERNING
THE VALIDITY OF THE EXTENSION TO THE WESTERN
SECTORS OF BERLIN BY THE FEDERAL REPUBLIC OF GERMANY
OF THE CONVENTION RELATING TO THE UNIFICATION OF CERTAIN
RULES CONCERNING COLLISIONS IN INLAND NAVIGATION.

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(3) THE SOVIET COMMUNICATION REFERRED TO ABOVE ALSO INCORRECTLY ASSERTS THAT BERLIN WAS NEVER TERRITORIALY SEPARATE FROM THE SOVIET OCCUPATION ZONE OF GERMANY. IN THIS CONNECTION THE GOVERNMENTS OF FRANCE, THE UNITED KINGDOM AND THE UNITED STATES WISH TO RECALL INTER ALIA THE PROVISION IN THE LONDON PROTOCOL OF 12 SEPTEMBER 1944 ACCORDING TO WHICH, SEPARATELY FROM THE ZONES OF OCCUPATION, A "SPECIAL BERLIN AREA" UNDER JOINT OCCUPATION WAS ESTABLISHED IN GERMANY.

(4) (USUAL COMPLIMENTARY CLOSE)

3. ACTION REQUESTED: APPROVAL OF TEXT AND AUTHORIZATION FOR USUN TO COORDINATE DELIVERY OF REPLY WITH UK AND FRENCH MISSIONS.
STOESSEL

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: INLAND WATERWAYS
Control Number: n/a
Copy: SINGLE
Draft Date: 19 jan 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
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Disposition Reason:
Disposition Remarks:
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Original Previous Classification: n/a
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Page Count: 4
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Reference: 77 USUN NEW YORK 1022, 77 STATE 60592, 77 BONN 4624
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Review Release Date: n/a
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Subject: INLAND NAVIGATION CONVENTION: REPLY TO SOVIET STATEMENT ON BERLIN WATERWAYS
TAGS: PORG, PGOV, UN, BQG
To: STATE USUN NEW YORK
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Review Markings:
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